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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|-------------------------|----------------------|------------------|
| 09/831,804 | 07/23/2001 | Florence Bordon-Pallier | 146.1365 | 9488 |
| 7590 | 12/18/2003 | | EXAMINER | |
| Bierman Muserlian & Lucas 600 Third Avenue New York, NY 10016 | | | MCKELVEY, TERRY ALAN | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1636 | |

DATE MAILED: 12/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



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| APPLICATION NO./ CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR / PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
|---------------------------------|-------------|---|---------------------|
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EXAMINER

ART UNIT PAPER

1

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Commissioner for Patents

The reply filed on 9/9/03 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): The claims still have not have been amended properly. For example, claim 7, indicated as previously amended, now recites: "(413 amino acids)". The amendment filed 12/9/03 recited: "(412 amino acids)", and the change of amino acid number was not shown properly as an amendment. It appears to be a typographical error because SEQ ID NO:3 has only 412 amino acids. Proper amendments to the claims are required in response to this communication.

Additionally, a review of the substantive response which was filed 12/9/02 identified numerous instances where the reply was not fully responsive to the Office Action mailed 8/28/02. Because of the numerous problems, this list might not contain all of the parts of the Office Action not addressed by the applicant and thus the applicant should review his entire response and properly respond to and address all parts of the Office Action: 1) The claim 18 rejection under 35 USC 112, 1: the missing complete reference to the deposit and the required statement concerning the deposit (see the last two sentences of the Attachment of the Office Action mailed 8/28/02) was not addressed. 2) Claim 27 still lacks an article despite the applicant's indication that every claim has an article. 3) The last paragraph of page 11 was not addressed. 4) The third paragraph of page 12 was not addressed. 5) The unclear nature of "(412 AA)" was not addressed (page 13). 6) The unclear use of "as well as" as recited by claims 10, 11, etc was not addressed (page 13). 7) The first full paragraph of page 14 was not addressed. 8) The second full paragraph of page 14 was not addressed. 9) The first full paragraph of page 15 was not addressed. The examiner apologizes for not earlier identifying the numerous omissions concerning the lack of response for many of the rejections of record.

See 37 CFR 1.111. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a). Certain papers related to this application may be submitted to Art Unit 1636 by facsimile transmission. The faxing of such papers must conform with the notices published in the Official Gazette, 1156 OG 61 (November 16, 1993) and 1157 OG 94 (December 28, 1993) (see 37 C.F.R. § 1.6(d)). The official fax telephone number for the Group is 703-872-9306. NOTE: If Applicant does submit a paper by fax, the original signed copy should be retained by applicant or applicant's representative. NO DUPLICATE COPIES SHOULD BE SUBMITTED so as to avoid the processing of duplicate papers in the Office. Any inquiry concerning rejections or other major issues in this communication or earlier communications from the examiner should be directed to Terry A. McKelvey whose telephone number is (703) 305-7213 until January 14, 2004, and (571) 272-0775 after January 14, 2004. The examiner can normally be reached on Monday through Friday, except for Wednesdays, from about 7:30 AM to about 6:00 PM. A phone message left at this number will be responded to as soon as possible (i.e., shortly after the examiner returns to his office). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Remy Yucel can be reached on (703) 305-1998. Any inquiry of a general

nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.



TERRY MCKELVEY
PRIMARY EXAMINER